

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MARK HOUCK

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CRIMINAL NO. 22-323-GJP

DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS

The Defendant, MARK HOUCK, by and through undersigned counsel, respectfully submits the following proposed Voir Dire, and respectfully requests that this Court ask the following questions of the jury panel during the jury selection process.

Respectfully Submitted,

Brian J. McMonagle, Esq.

1. The defendant, Mark Houck, is charged in an indictment charging him violations of the Freedom of Access to Clinic Entrances Act. Do any of you know Mr. Houck personally or any member of his family?
2. Do you know anything at all about the facts of this case or about this case in general, or have you learned anything about the case since appearing at the courthouse this week? Have you heard, seen, or read anything about it in the media, or through the internet or from any other source?
3. Do you believe that you would not be able to decide this case fairly because of the nature of the charges in the Indictment?
4. Do you know counsel for the United States Government or counsel for the defendant? If yes, please explain.
5. During the course of the trial, you may hear from or about the following individuals: *[read joint witness list]*. Do you know, or have you had dealings with, any of these people?
6. Have you, members of your immediate family, or your close personal friends ever been employed by the United States government, the Federal Bureau of Investigation, or any other federal, state, or local law enforcement agency? If so, would you treat the testimony of law enforcement witnesses more favorably than other witnesses merely because of their position.
7. Would you give greater weight to the sworn testimony of a witness simply because they are being called by the Government?
8. Have you or any member of your family been arrested for or charged with a criminal offense?
9. Have you or any member of your family been the victim of a crime?
10. Have you ever served in the military?
11. Have you ever served on any town watch groups?

12. Do you have any physical or emotional disability, impairment, or condition that would interfere with your ability to hear, see, or pay attention to the evidence in this case?
13. Do you have any physical or mental health issues that would prevent you from serving as a juror in this case?
14. A fundamental principle of law is that an individual charged with a criminal offense is presumed innocent and it is the Government's burden to prove that individual's guilt beyond a reasonable doubt. As such the defendant has no burden of proof whatsoever. Is there anyone in the panel would have any difficulty following this principle of law?
15. The defendant has a constitutional right not to testify. However, some people may feel that if a citizen does not testify in their own defense they must be guilty. Is there anyone in the panel who would expect the defendant to testify, and would hold it against him if he does not?
16. The First Amendment of the United States Constitution generally protects the rights of citizens to engage in free speech on public sidewalks. Do any of you have any concerns regarding your ability to apply the law in this case fairly, even though you may not agree with the messages being conveyed by the individuals involved in this case?
17. The parties anticipate that this trial will last approximately four days. Would jury service on a matter of that length cause a severe and unavoidable hardship to you?
18. Have you ever served on a jury or grand jury in the past? If yes, was it a criminal or civil case? If yes, did the jury reach a verdict?
19. Have you ever testified as a witness in a trial?
20. Are any of you familiar with the location of the Planned Parenthood facility located at 1114 Locust Street in Philadelphia?

21. Have you ever worked for, or served as a volunteer, or made any contributions to Planned Parenthood?

22. Have you ever worked for, or served as a volunteer, or made any contributions to the Community Women's Center for Philadelphia?

23. Do any of you hold any opinions or beliefs on the issue of abortion that would make you unable to impartially listen to the evidence, follow the Court's instructions, and deliberate with your fellow jurors in an effort to reach a fair verdict in this case?

24. Do you have any opinions about this case or of the defendant that would make it difficult for you to be a fair and impartial juror?

25. Can you think of any other matter that might have some bearing on your qualifications as a juror or on your ability to render a fair and impartial verdict based solely on the evidence and my instructions on the law.

DATED: January 5, 2023

Respectfully Submitted,

/s/ Brian J. McMonagle, Esq

/s/ Peter Breen, Esq

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by
Electronic Court Filing.

/s/ Brian J. McMonagle, Esq